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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2007 OCT 18 AM 9:45

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Manuel OROZCO-Arellano,

Defendant

Magistrate Docket No. 07 MJ 2487
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF DEPUTY

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **October 17, 2007** within the Southern District of California, defendant, **Jose Manuel OROZCO-Arellano**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

 James Trombley
 Senior Patrol Agent

 SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18th** DAY OF **October, 2007**

 William McCurine Jr.
 UNITED STATES MAGISTRATE JUDGE


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PROBABLE CAUSE STATEMENT

On 10/17/07, at approximately 3:25 a.m., Border Patrol Agent R. Stallings was performing linewatch duties in an area known as the Watermelon Trail. This area is approximately three miles west of the San Ysidro, California, Port-of-Entry, and is north of the U.S./Mexico International border. As Agent Stallings was driving westbound on Monument Road, Border Patrol dispatch alerted field agents of three suspected aliens moving north near the Watermelon Trail. The West Scope operator advised Agents Stallings and J. Hernandez that he had observed the group. Upon arriving in the area, the Agents reached a clearing up the trail and decided to wait for to see if they could hear any brush breaking. After approximately 15 minutes, the Agents heard brush break just south-west of their location. The Agents approached the three suspected aliens and identified themselves as Border Patrol Agents and then questioned them regarding their citizenship. All three individuals admitted to being undocumented Mexican nationals illegally present in the United States. Agents Stallings and Hernandez arrested the individuals, including one later identified as the defendant **Jose Manuel OROZCO-Arellano**. The subjects were then transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 20, 2007** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated he understood his rights and was willing to answer questions without the presence of an attorney. The defendant stated that he is a Mexican national with no immigration documents allowing him to be in or enter the United States legally.



James Trombley
Senior Patrol Agent



William McCurine Jr.
U.S. Magistrate Judge

10/18/07, 0930 hrs
Date/Time